

# IN THE MISSOURI GAMING COMMISSION

In Re: )  
 ) DC-14-015  
St. Louis Gaming Ventures, LLC )

## **PRELIMINARY ORDER FOR DISCIPLINARY ACTION**

Comes now the Missouri Gaming Commission acting in its official capacity pursuant to 11 CSR 45-13.050, and states as follows:

1. The Missouri Gaming Commission (the "Commission") is a state commission created under Chapter 313, RSMo 2000, with jurisdiction over gaming activities, including riverboat gambling activities, in the State of Missouri.
2. The Commission issued Penn National Gaming, Inc. a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Penn National Gaming, Inc. is the parent organization or controlling entity of St. Louis Gaming Ventures, LLC.
4. The Commission issued a Class B riverboat gambling license to St. Louis Gaming Ventures, LLC ("Company"), to conduct games on and operate the excursion gambling boat known as Hollywood Casino, St. Louis ("Casino").
5. As the holder of a Class B license, the Company is subject to the provisions of Sections 313.800 to 313.850, RSMo 2000, and the regulations promulgated thereunder by the Commission.

## **STATEMENT OF FACTS**<sup>1</sup>

6. On February 6, 2013, Trooper Vernon Whitlock, assigned to the Gaming Division was contacted by Hollywood Casino St. Louis Surveillance employee who stated that he had observed a male patron and female patron participating in several instances of lewd and inappropriate behavior while gambling in the Rodeo High Limit Room.
7. Surveillance coverage of the incident which occurred in the Rodeo High Limit Room on the night of February 6, 2013 between 9:15 p.m. and 10:41 p.m. showed that six casino employees that were present during that time failed to prevent the lewd and inappropriate

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<sup>1</sup> 20130305007

behavior of the male patron and female patron, which included inappropriate physical contact and simulated sexual acts between the patrons.

### **LAW**

8. Under Section 313.805(6), RSMo 2000, the Commission may assess any appropriate administrative penalty against a licensee, including but not limited to, suspension, revocation or penalties of an amount determined by the Commission.
9. Under Section 313.812.14, RSMo 2000, a holder of any license is subject to imposition of penalties, suspension or revocation of such license for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri.
10. Under Section 313.812.14(1), RSMo 2000, a licensee may be disciplined for failing to comply with or make provisions for compliance with Sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation.
11. Under Section 313.812.14(2), RSMo 2000, a licensee may be disciplined for failing to comply with any rule, order or ruling of the Commission or its agents pertaining to gaming.
12. Under 11 CSR 45-5.053 (3), (A) & (J) state, by “Failing to exercise discretion and good judgment to prevent incidents which might reflect on the reputé of the state of Missouri and act as a detriment to development of the industry, including allowing lewd entertainment on a boat.” And” Failing to conduct gaming operations in accordance with proper standards of custom, decorum and decency; or to permit any type of conduct on the riverboat which reflects negatively on the reputation of the state of Missouri or acts as a detriment to the gaming industry.”
13. Under 11 CSR 45-4.020(10) rules adopted prior to May 30, 2008 which previously referred to a Class A licensee shall refer to both a Class A and B licensee unless specifically identified otherwise.

### **VIOLATIONS**

14. The actions or omissions of employees or agents of the Company as described above constitute a failure of the Company to prevent incidents which might reflect on the reputé of the state of Missouri and failing to conduct gaming operations in accordance with proper standards of custom, decorum and decency. The conduct alleged above violated 11 CSR 45-5.053 (3), (A) & (J), 11 CSR 45-4.020(10), Sections 313.805(6), 313.812.14, 313.812.14(1) & (2) RSMo.

**PENALTY PROPOSED**

15. Under Section 313.805(6), RSMo 2000, the Commission has the power to assess any appropriate administrative penalty against the Company, as the holder of a Class B license.
16. THEREFORE, it is proposed that the Commission fine St. Louis Gaming Ventures, LLC the amount of \$15,000 for the violations set forth herein.

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Dr. Barrett Hatches  
Chairman  
Missouri Gaming Commission

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he caused a true and correct copy of the foregoing to be mailed, postage prepaid, this \_\_\_\_ day of \_\_\_\_\_, 2014, to:

Mr. Anthony Carlucci, General Manager  
Hollywood St. Louis Casino  
777 Casino Center Drive  
Maryland Heights, MO 63043

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Dr. Barrett Hatches  
Chairman  
Missouri Gaming Commission